

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

TIMOTHY VALLEJO (DOB:12/05/85)

CASE NUMBER: 05-M-461

I, Doug Porrini, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

Count One

On or about April 18, 2004, in Milwaukee County, in the State and Eastern District of Wisconsin, **Timothy Vallejo** and others known and unknown, did knowingly commit the act of murder in order to maintain or increase his position within an enterprise engaged in racketeering activity, the Milwaukee Chapter of Almighty Latin Kings street gang.

In violation of Title 18, United States Code, Sections 1959 (a)(1) and 2.

I further state that I am a Special Agent with the Federal Bureau of Investigation, and this complaint is based on the following facts:

Please see the attached affidavit.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant
Doug Porrini

Sworn to before me and subscribed in my presence,

September 14th, 2005

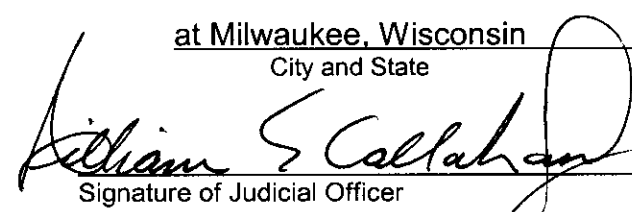
Date

The Honorable William E. Callahan, Jr.
United States Magistrate Judge

Name & Title of Judicial Officer

at Milwaukee, Wisconsin

City and State



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Doug Porrini, a Special Agent with the Federal Bureau of Investigations, having been duly sworn, hereby state under oath the following:

1. Your affiant, Special Agent Doug Porrini, states he is employed as a Special Agent with the Federal Bureau of Investigations, currently involved in narcotics enforcement. Your affiant has been a law enforcement officer for fourteen (14) years. Your affiant is currently assigned to the Milwaukee High Intensity Drug Trafficking Area / Drug Gangs Task Force and has had that assignment for approximately eighteen (18) months. During the course of your affiant's assignments with the Federal Bureau of Investigations, your affiant has been involved in the investigation of organized trafficking of controlled substances and other violations of federal and state law. Your affiant has participated in the execution of search warrants, in which controlled substances and firearms were seized.

2. Your affiant reports that during the early morning hours of April 19, 2004, Kevin Hirschfield was with a group of friends when he stopped at a Speedway Gas Station located at 4944 S. Packard Ave, Cudahy, Wisconsin. At that location, Kevin Hirschfield was killed by Latin King gang members when he attempted to intervene in the beating of Matthew Toms by the Latin King gang members. Hirschfield had approached the group, which he did not know was comprised of Latin King gang members. As Hirschfield approached and asked the Latin Kings to leave Toms alone, Toms broke free. A further altercation occurred and the Kings reacted to this, as Hirschfield began to turn and walk

away, three Latin King gang members then pulled out guns, shooting and killing Hirschfield in a barrage of bullets.

3. Your affiant reports that Milwaukee Police Detective John Belsha, and your affiant, both assigned to the HIDTA (High Intensity Drug Trafficking Area) Drug/Gang Task Force, interviewed a cooperating witness, CW-1 who witnessed the fight and homicide.(Throughout this complaint the true names are removed to protect those cooperating witnesses and co-defendants from any gang retaliation) According to CW-1, ARMANDO BARRAGAN was punched in his face by Toms. BARRAGAN mistakenly believed that Hirschfield punched Barragan, rather than Toms. Consequently, ARMANDO BARRAGAN pointed at Hirschfield while ordering TIMOTHY VALLEJO to "kill that mother fucker." CW-1 said that TIMOTHY VALLEJO then fired 5 to 6 shots from a .38 revolver; and EMMANUEL MARTINEZ fired approximately 7 shots at Hirschfield from a 9mm semi-auto pistol. MARIO BANDA also began shooting Hirschfield with a .380 caliber pistol. CW-1 stated that when MARIO BANDA shot Hirschfield, a bullet ricocheted off the ground and almost struck CW-1.

4. Your affiant states that at the time ARMANDO BARRAGAN ordered the killing of Hirschfield, BARRAGAN was the "Inca" (leader) of the 19th St. Latin Kings. This obligated the Latin Kings members to follow his order. TIMOTHY VALLEJO, MARIO BANDA, and EMMANUEL MARTINEZ were all members of the Latin Kings, among others present. The INCA - BARRAGAN - felt the actions of Hirschfield, who was

confused with TOMS, disrespected members of the Latin Kings. As a consequence, Hirschfield was killed because he intervened against members of the Latin Kings, although he was unaware of their membership at the time

5. Your affiant states that Jane Doe #1. was interviewed by law enforcement and said that she was a third party at 3626 E. Somers Ave. and observed ARMANDO BARRAGAN, CW-1, and CW-2. Jane Doe said after the shooting, several witnesses said that Hirschfield was dead. ARMANDO BARRAGAN, remarked "Man, that nigga hit me!" which she understood to mean the person who punched BARRAGAN was the one who was killed. Jane Doe said she saw swelling on the cheek of BARRAGAN. A short time after the homicide, Jane Doe heard BARRAGAN and one of the other shooters talking about going to Mexico, but learned that they instead decided to leave the Milwaukee, Wisconsin area traveling to Hayward, Wisconsin, in the northern part of the state.

6. Your affiant states that the subsequent forensic evidence, including the autopsy and ballistic evidence, demonstrates that:

A) Kevin Hirschfield was shot at least 3 times in the chest and abdomen. The recovered .38 caliber bullet was fired by the .38 caliber revolver recovered by the Cudahy Police Department at 3623 E. Carpenter Ave.

B) The autopsy and Wisconsin State Crime Lab ballistic tests determined that Hirschfield was shot multiple times in the back with the Smith & Wesson 9mm semi-automatic pistol recovered by the Cudahy Police Department.

C) Detectives recovered spent casings from the Davis .380 caliber handgun on Somers Ave. while processing the crime scene. A fired bullet from the .380 caliber semi-automatic was recovered from the right shoulder of Hirschfield's body. In addition, a .380 caliber bullet fired from the .380 pistol was recovered from the front drivers side tire of Hirschfield's car.

D) The Smith & Wesson 9mm semi-auto pistol recovered by the Cudahy Police Department was one of several firearms reported stolen in a residential burglary which occurred in Hayward, Wisconsin in May of 2002. Hayward, Wisconsin is proximate to the Lac Courte Oreilles Indian Reservation, frequented by 19th St. Latin Kings members in the course of their drug trafficking activities. In addition several cooperating witnesses will also testify that the .38 gun and the 9mm firearms used in the homicide were obtained from Latin Kings in northern Wisconsin as part of an ongoing exchange of guns for drugs.

7. Your affiant states Jane Doe #2 attended a line-up at the Milwaukee County Criminal Justice Facility at which time she positively identified TIMOTHY VALLEJO as the person she observed shoot Hirschfield with a handgun. Witness Jane Doe #3 identified TIMOTHY VALLEJO from a photo line-up as the person she observed shoot Hirschfield.

8. Your affiant states that the Latin King street gang in Milwaukee is a enterprise or association of individuals based out of the south side of Milwaukee, which over the last several years has repeatedly been engaged in the following racketeering activities: kidnaping, witness intimidation, the trafficking of controlled substances, murder

and attempted murder. Your affiant is personally aware of at least six homicides and ten attempted homicides committed by members of the Milwaukee Latin King street gang during the last three years. These estimates are very conservative as many other shooting have occurred. The previously listed shootings were committed with the intent to intimidate rival gangs and witnesses and protect and control geographic areas on the south side of Milwaukee for the enterprise to sell and distribute controlled substances. In addition your affiant has participated in or is aware of at least ten controlled purchases or deliveries of controlled substances and firearms by members of the Milwaukee Latin King Street gang during the last three years.

9. I make this affidavit from personal knowledge based upon my participation in this investigation, and, among other things, reports I have read and conversations I have had with others who have personal knowledge of the events and circumstances described herein. The information outlined above is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.